

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SHAWNAY RAY AND
KANTICE JOYNER, *on their own
behalf and on behalf of all others
similarly situated,*

Plaintiffs,

v.

T-MOBILE US, INC.

Defendant.

Case No. 1:19-cv-01299-JKB

Judge: James K. Bredar

**DEFENDANT’S MOTION TO COMPEL ARBITRATION AND TO DISMISS,
OR IN THE ALTERNATIVE, STAY THIS ACTION**

Pursuant to 9 U.S.C. §§ 3 and 4 and Federal Rule of Civil Procedure 12(b)(1), Defendant T-Mobile US, Inc. (“T-Mobile” or “Defendant”) hereby respectfully moves this Court to enter an Order: (i) compelling individual arbitration of Plaintiffs Shawnay Ray’s (“Ray”) and Kantice Joyner’s (“Joyner”) (collectively “Plaintiffs”) claims brought under the Federal Communications Act (“FCA”), 47 U.S.C. § 222, as required by their agreements with T-Mobile; and (ii) dismissing their claims, or, in the alternative, staying this litigation until arbitration is complete. T-Mobile states the following in support of this Motion:

1. Plaintiffs, as T-Mobile customers, agreed to and are bound by T-Mobile’s arbitration agreement. The scope of Plaintiffs’ agreements to individually “resolve all disputes with [T-Mobile] through binding arbitration” is broad, encompassing “any and all claims or disputes in any way related to or concerning the agreement, [T-Mobile’s] privacy policy, [T-Mobile’s] services, devices or products.” *See* Exhibit A (T-Mobile Terms & Conditions,

effective as of August 22, 2018) (emphasis omitted); *see also* Declaration of Christopher Muzio filed herewith (“Muzio Decl.”) ¶ 11.

2. Plaintiffs’ claims fall squarely within the scope of the arbitration agreement. Plaintiffs’ claims relate to or concern their agreements with T-Mobile and T-Mobile’s privacy policy because they base their claims on an allegation that T-Mobile “fail[ed] to safeguard highly personal and private consumer geolocation” “data collected from [T-Mobile] users’ cell phones.” (Compl. ¶¶ 3, 5, 76-80).

The complete grounds for this Motion are more fully set forth in T-Mobile’s Memorandum of Law filed in Support of this Motion.

Dated: July 8, 2019

Respectfully submitted,

/s/ Marlynda L. Romero

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, 2019, I filed and thereby caused the foregoing document to be served via the CM/ECF system in the United States District Court for the District of Maryland on all parties registered for CM/ECF in the above-captioned matter.

/s/ Marlynda L. Romero

Marlynda L. Romero